

ITEM NO: _____

PREPARED BY: Christy L. Kinard

APPROVED BY: Christy L. Kinard
Assistant County Attorney

RESOLUTION BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, REQUESTING THE MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY SUPPORT LEGISLATION AMENDING TENNESSEE CODE ANNOTATED, TITLE 2, CHAPTER 19, SECTION 120 RELATIVE TO THE REQUIREMENTS FOR CAMPAIGN COMMUNICATIONS AND VIOLATIONS THEREOF. SPONSORED BY COMMISSIONER MIKE RITZ.

WHEREAS, pursuant to Tenn. Code Ann. § 2-19-120, any person who fails to meet the requirements under the state election laws when making an expenditure for the purpose of financing a communication that expressly advocates the election or defeat of a clearly identified candidate is guilty of a class C misdemeanor; and

WHEREAS, prior to the enactment of Chapter 480 of the 2004 Public Acts by the Tennessee General Assembly, amending subsection (a) of Tenn. Code Ann. § 2-19-120, any person who failed to meet those same campaign communication requirements when making expenditures to advocate the approval or rejection of a measure, such as a referendum proposing to amend the Shelby County Charter, was also guilty of a class C misdemeanor; and

WHEREAS, the Board of County Commissioners of Shelby County, Tennessee believes that it is appropriate that a resolution be passed requesting the Tennessee General Assembly to amend Tenn. Code Ann. § 2-19-120 relative to the requirements for campaign communications and violations thereof so as to include expenditures for the purpose of financing a communication that expressly advocates the approval or rejection of a measure, making it a class C misdemeanor if any person violates same.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that this Board, after careful consideration hereby requests the Shelby County Legislative Delegation and members of the Tennessee General Assembly enact legislation amending Tennessee Code Annotated, Title 2, Chapter 19, Section 120, a copy of which is attached hereto and incorporated herein by reference, relative to the requirements for campaign communications and violations thereof.

BE IT FURTHER RESOLVED, that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, the public welfare requiring the same.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____